

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:14-MJ-1295

FILED IN OPEN COURT
ON 9/10/14 *Jm*
Julie A. Richards, Clerk
US District Court
Eastern District of NC

UNITED STATES OF AMERICA

v.

JERMAINE WILLIAMS

WAIVER OF APPEARANCE
(Plea of Guilty)

1. I, JERMAINE WILLIAMS, am the Defendant in the above-referenced matter.
2. In accordance with Federal Rule of Criminal Procedure 43 (b)(2) and Local Rule of Practice and Procedure 43.1, I hereby waive my right to be present for arraignment, plea, trial, and sentencing and designate the undersigned counsel to appear on my behalf. By signing this waiver and designation, I consent to have my case heard by the magistrate judge, waive any right that I might have to be tried and sentenced by a district judge, and consent to arraignment, plea, trial, and sentencing in my absence. I hereby grant the undersigned counsel full authority to enter a plea of guilty, not guilty or nolo contendere to the offense(s) charged or to a lesser offense or offenses in lieu thereof, and waive my right to a jury trial, to testify in person, and/or to face my accusers.
3. The circumstances which justify the approval of this written waiver of appearance by the court include the distance that I would have to travel to the hearing from my residence in Statesboro, Georgia.
4. I have received a copy of my charging documents and understand that I am charged by superseding criminal information filed on June 11, 2014, with:

Count 1: Driving While Impaired, in violation of N.C.G.S. § 20-138.1 as assimilated by 18 U.S.C. § 13, a misdemeanor offense punishable by not more than 6 months imprisonment, a \$1,000 fine, or both such fine and imprisonment, and a \$10 special assessment.

- Count 2: Speeding, in violation of N.C.G.S. § 20-141(j1) as assimilated by 18 U.S.C. § 13, a misdemeanor offense punishable by not more than 60 days imprisonment, a \$1,000 fine, or both such fine and imprisonment, and a \$10 special assessment.
- Count 3: Driving While Impaired, in violation of N.C.G.S. § 20-138.1 as assimilated by 18 U.S.C. § 13, a misdemeanor offense punishable by not more than 1 year imprisonment, a \$4,000 fine, or both such fine and imprisonment, and a \$25 special assessment.
- Count 4: Open Container, in violation of N.C.G.S. § 20-138.7 as assimilated by 18 U.S.C. § 13, a misdemeanor offense punishable by not more than a \$100 fine and a \$5 special assessment.
- Count 5: Unregistered Vehicle, in violation of N.C.G.S. § 20-111(2) as assimilated by 18 U.S.C. § 13, punishable by not more than 60 days imprisonment, a \$1,000 fine, or both such fine and imprisonment, and a \$10 special assessment.
- Count 6: Failure to Maintain Insurance, in violation of N.C.G.S. § 20-313a as assimilated by 18 U.S.C. § 13, a misdemeanor offense punishable by not more than 4 months imprisonment, a \$5,000 fine, or both such fine and imprisonment, and a \$10 special assessment.
- Count 7: Driving Without License, in violation of N.C.G.S. § 20-7a as assimilated by 18 U.S.C. § 13, a misdemeanor offense punishable by not more than 60 days imprisonment, a \$1,000 fine, or both such fine and imprisonment, and a \$10 special assessment.

5. In exchange for my plea of guilty to Count 1 (Driving While Impaired - Level 5) and Count 3 (Driving While Impaired - Level 2), the attorney for the government has agreed to dismiss Counts 2, 4, 5, 6 & 7, and recommend the following sentences:

- Count 1: 12 months probation, 24 hours community service, \$10 special assessment, \$200 fine, substance abuse assessment and treatment, if indicated, and
- Count 3: 12 months probation, 7 days imprisonment, \$1,000 fine, \$25 special assessment.

6. I understand that the above agreement does not bind the court and that the court may sentence me up to the maximum penalty allowed by law for both offenses of Driving While Impaired.

7. I hereby tender a plea of GUILTY to 2 counts of Driving While Impaired (Count 1 and Count 3), and understand that my plea of guilty will permit a finding of guilty to these offenses.

8. Counsel has contacted counsel for the government, Special Assistant United States Attorney Robert W. Taylor, who has no objection to the defendant pleading guilty to this offense by waiver.

9. I request to serve any imprisonment ordered and to pay any fine and/or special assessment ordered by the court over the course of my probation.

10. I am not licensed to drive in North Carolina.

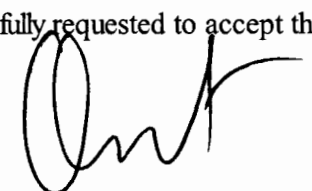
11. I agree to be bound by the decision of this court and the entry of judgment subject to the right of appeal as in any other case of adjudication.

WHEREFORE, this Honorable Court is respectfully requested to accept the above plea of guilty by waiver.


JERMAINE WILLIAMS

Date

7/2/14


Ormond Harriott
ATTORNEY FOR DEFENDANT

Date

9/10/14

I approve this tender of guilty plea.


Kimberly A. Swank
UNITED STATES MAGISTRATE JUDGE

Date

9/10/14